



ANDREW M. BATEMAN
Chief Legal Officer

Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

March 3, 2022

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: Rulemaking Proceeding for the Purpose of Promulgating a Regulation to Help Prevent the Potential for Misleading Advertisements by Prohibiting the Sale of Customer Data by Regulated Utilities Absent a Customer's Direct Consent (See Commission Order No. 2019-877)
Docket No: 2019-387-A

Dear Ms. Boyd:

On February 24, 2022, the Public Service Commission of South Carolina issued Order No. 2022-141 requesting that the South Carolina Office of Regulatory Staff ("ORS") "reach out to any utility which has failed to meet the November 24, 2021 deadline to file initial guidelines regarding the sale of customer data as required by new Commission Regulation 103-823.2."

By way of background, ORS sent a letter to regulated companies that were out of compliance with S.C. Code Ann. Regs. 103-823.2 on December 22, 2021. The letter sent from ORS to non-compliant companies on December 22, 2021, is enclosed. Pursuant to the request in Commission Order No. 2022-141, ORS has now sent a second letter to non-compliant regulated companies, which is also enclosed.

Sincerely,

Andrew M. Bateman

Enc.

cc: All Parties of Record (via e-mail)
C. Jo Anne Wessinger Hill, Esquire (via e-mail)
David Butler, Esquire (via e-mail)



RYDER THOMPSON
Director
Utility Rates & Services

Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

DATE: March 1, 2022
TO: South Carolina Regulated Water and Wastewater Utilities
SUBJECT: 103-823.2 Protection of Customer Data
Section H. Public Utility Guidelines

The Office of Regulatory Staff ("ORS") has been requested by the Public Service Commission of South Carolina ("PSC") in Docket No. 2019-387-A, Order No. 2022-141 to reach out to any utility which has failed to meet the November 24, 2021 deadline to file initial guidelines regarding the protection of customer data as required by new Commission Regulation 103-823.2.

This is the **second request** sent to your Company from the ORS regarding new Commission Regulation 103-823.2. The ORS sent the first request on December 22, 2021. You are receiving this letter from the ORS because your Company has not filed the Initial Guidelines as required by PSC Regulations. Please promptly file the initial guidelines as soon as possible with the PSC. Failure to comply may result in ORS filing a Rule To Show Cause with the PSC.

Pursuant to regulations promulgated by the PSC regarding Protection of Customer Data "each electrical, natural gas, water or wastewater public utility shall develop and seek Commission approval of guidelines for implementation of this section."¹ Initial Guidelines were required to be filed within 180 days of the regulation's effective date, which was May 28, 2021.² Accordingly, each electrical, natural gas, water or wastewater public utility was required to file its Initial Guidelines by November 28, 2021.

The minimum requirements for the guidelines can be found in S.C. Code Ann. Regs. 103-823.2.H (2) (2021). A copy of the regulation can be found on the PSC's online Docket Management System at <https://dms.psc.sc.gov/Web/Dockets> in Docket No. 2019-387-A. A copy has also been enclosed with this letter for your convenience. Please file the following information with the PSC under Docket 2019-387-A:

H. Public Utility Guidelines

(2) The electrical, natural gas, water or wastewater public utility shall file its initial guidelines within 180 days of the effective date of this regulation for

¹ S.C. Code Ann. Regs. 103-823.2.H(1) (2021).

² S.C. Code Ann. Regs. 103-823.2.H(2) (2021).



RYDER THOMPSON
Director
Utility Rates & Services

Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

Commission approval. The guidelines should, at minimum, address the following:

- (a) Customer Notice and Awareness — practices to explain policies and procedures to customers.
- (b) Customer Choice and Consent — processes that allow the customer to control access to customer data including processes for customers to monitor, correct or limit the use of customer data.
- (c) Customer Data Access — procedures for use of customer data, purpose for collection, limitations of use of customer data and processes for customer non-standard requests.
- (d) Data Quality and Security Procedures and Measures — procedures for security and methods to aggregate or anonymize data.
- (e) Public Utility Accountability and Auditing — reporting of unauthorized disclosures, training protocol for employees, periodic evaluations, self-enforcement procedures, and penalties.
- (f) Frequency of Notice to Customers — practices and procedures to provide initial and annual notification of its privacy policy to customers.
- (g) Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties — practices, policies, and procedures when selecting the third party with whom the utility will share data so as to minimize unauthorized or inadvertent disclosure of customer data.

If you have questions regarding these regulations or the filing of your utility's initial guidelines, you may contact Ryder Thompson with the South Carolina Office of Regulatory Staff at rtompson@ors.sc.gov or 803.737.0664. Thank you for your prompt attention and cooperation in this matter.

Sincerely,

Ryder Thompson

Nanette S. Edwards, *Executive Director*



RYDER THOMPSON
Director
Utility Rates & Services

Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

DATE: December 22, 2021

TO: South Carolina Regulated Water and Wastewater Utilities

**SUBJECT: 103-823.2 Protection of Customer Data
Section H. Public Utility Guidelines**

Pursuant to regulations promulgated by the Public Service Commission of South Carolina ("PSC") regarding Protection of Customer Data "each electrical, natural gas, water or wastewater public utility shall develop and seek Commission approval of guidelines for implementation of this section."¹ Initial Guidelines were required to be filed within 180 days of the regulation's effective date, which was May 28, 2021.² Accordingly, each electrical, natural gas, water or wastewater public utility was required to file its Initial Guidelines by November 28, 2021. You are receiving this letter from the South Carolina Office of Regulatory Staff ("ORS") because your Company has not filed the Initial Guidelines as required by the PSC. Please promptly file the initial guidelines as soon as possible with the PSC.

The minimum requirements for the guidelines can be found in S.C. Code Ann. Regs. 103-823.2.H(2) (2021). A copy of the regulation can be found on the PSC's online Docket Management System at <https://dms.psc.sc.gov/Web/Dockets> in Docket No. 2019-387-A. A copy is attached with this memorandum for your convenience. Please file the following information with the PSC under Docket 2019-387-A:

H. Public Utility Guidelines

(2) The electrical, natural gas, water or wastewater public utility shall file its initial guidelines within 180 days of the effective date of this regulation for Commission approval. The guidelines should, at minimum, address the following:

- (a) Customer Notice and Awareness — practices to explain policies and procedures to customers.
- (b) Customer Choice and Consent — processes that allow the customer to control access to customer data including processes for customers to monitor, correct or limit the use of customer data.

¹ S.C. Code Ann. Regs. 103-823.2.H(1) (2021).

² S.C. Code Ann. Regs. 103-823.2.H(2) (2021).

- (c) Customer Data Access — procedures for use of customer data, purpose for collection, limitations of use of customer data and processes for customer non-standard requests.
- (d) Data Quality and Security Procedures and Measures — procedures for security and methods to aggregate or anonymize data.
- (e) Public Utility Accountability and Auditing — reporting of unauthorized disclosures, training protocol for employees, periodic evaluations, self-enforcement procedures, and penalties.
- (f) Frequency of Notice to Customers — practices and procedures to provide initial and annual notification of its privacy policy to customers.
- (g) Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties — practices, policies, and procedures when selecting the third party with whom the utility will share data so as to minimize unauthorized or inadvertent disclosure of customer data.

If you have questions regarding these regulations or the filing of your utility's initial guidelines, you may contact Ryder Thompson with the South Carolina Office of Regulatory Staff at rythompson@ors.sc.gov or 803.737.0664. Thank you for your prompt attention and cooperation in this matter.

Sincerely,



Ryder Thompson

Attachment: S.C. Code Ann. Regs. 103-823.2 (2021).